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S.B. CIVIL MISC. APPEAL NO.516/2007.
Lala @ Lalu Ram& Ors.
Vs.
Hafiz Nur & Ors.

Date of Order :: 6th February 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Sudhir Sarupariya, for the appellants.

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BY THE COURT:

For awarding compensation to the husband, children and mother-in-law of the vehicular accident victim Ganga, about 28 years in age, the Tribunal has not accepted the assertion of the claimants about the deceased earning in vegetable vending and has taken her notional income at Rs.15,000/- per annum and after deducting one-third on her personal expenditure and with application of multiplier of 18 has assessed pecuniary loss at Rs.1,80,000/-; and after awarding Rs.5,000/- to each of the claimants towards non-pecuniary loss and Rs.2,000/- towards funeral expenses, the Tribunal has assessed total loss for the claimants at Rs.2,02,000/- and has allowed interest @ 6% per annum from the date of filing of the claim application. By way of this appeal, the claimants seek enhancement over the amount so awarded by the Tribunal.

Learned counsel for the claimants has strenuously contended that the deceased was earning as a vegetable vendor and was also working on agriculture in the morning and evening apart from contributing to the household; that the Tribunal has erred in not accepting the income of the deceased minimum at Rs.100/- per day as asserted by the claimants and, therefore, the award on its quantification stands on the lower side.

The assertion on income of the deceased at Rs.100/- per day by vegetable vending and then her also working in agriculture in the morning and evening does not inspire confidence. The Tribunal cannot be said to have erred in rejecting the assertion of the claimants on the income of the deceased for want of any cogent corroborative evidence.

The ultimate award, though moderate, cannot be said to be grossly inadequate so as to warrant interference in appeal.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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